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In re Application of:	:	
JABBOUR, Henry, Nicolas, et al	:	DECISION ON PETITION TO
U.S. Application No.: 10/511,484	:	CORRECT INVENTORSHIP
PCT No.: PCT/GB2003/001536	:	
International Filing Date: 10 April 2003	:	
Priority Date: 17 April 2002	:	
Attorney's Docket No.: 20747/200	:	
For: FP RECEPTOR ANTAGONISTS OR	:	
PGF2 ALPHA ANTAGONISTS FOR	:	
TREATING MENORRHAGIA	:	

This decision is issued in response to the "Request For Correction Of Inventorship In Application Under 37 CFR 1.497(d)" filed 21 October 2005. Applicants have paid the required processing fee.

BACKGROUND

On 17 April 2002, applicants filed international application PCT/GB2003/001536 which claimed a priority date of 10 April 2003 and which designated the United States. On 30 October 2003, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB"). The published international application identified two applicant/inventors for the United States: Henry Nicolas JABBOUR and Hillary Octavia Dawn CRITCHLEY.

The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 October 2004.

On 15 October 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 23 March 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 21 October 2005, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee) that included a declaration executed by the two inventors of record and a third inventor, Stuart Angus MILNE, as well as the request to add Mr. MILNE as an inventor of record, treated herein under 37 CFR 1.497(d).

DISCUSSION

Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

(4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to item (1), applicants have submitted a statement from the inventor being added, Stuart Angus MILNE, in which the inventor states that the earlier error in inventorship did not result from deceptive intent on his part. Item (1) is therefore satisfied.

With respect to item (2), applicants have submitted the required \$130 processing fee. Item (2) is therefore satisfied.

With respect to item (3), applicants have submitted a statement of consent to the change of inventorship executed on behalf of the assignee, Medical Research Council. This consent is accompanied by copies of the relevant assignment documents. Item (3) is therefore satisfied.

Item (4) does not apply to the present application.

Accordingly, applicants have satisfied all the requirements for correction of inventorship under 37 CFR 1.497(d).

CONCLUSION

Applicants' request for correction of inventorship under 37 CFR 1.497(d) is **GRANTED**.

Stuart Angus MILNE is added as an inventor herein.

Based on the addition of this inventor, the declarations submitted by applicants on 21 October 2005 are in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 October 2005.



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